

JOINT LETTER FROM COUNSEL
GO SMILE, Inc. v. Levine - Case No. 10 CV 8663 (PKC)

November 15, 2011

MEMO ENDORSED

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FACSIMILE (212) 805-7949

Honorable P. Kevin Castel
United States District Judge
United States District Court
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *GO SMILE, Inc. v. Levine* - Case No. 10 CV 8663 (PKC)

Dear Judge Castel:

As your Honor is aware, Defendant's reply memorandum in support of their motion for attorneys' fees is due tomorrow, November 16, 2011. Defendants intend to attach to their brief certain materials that Plaintiff has designated as "confidential" or "attorneys' eyes only" pursuant to the terms of the confidentiality agreement and protective order in this case. Because Plaintiff may wish to have these materials filed in redacted form and/or under seal, the parties propose that they follow the procedure approved by the Court on November 8, 2011 with respect to Plaintiff's opposition brief (Docket No. 100), so that Plaintiff has an opportunity to review the filing and move to seal the portions it considers confidential.

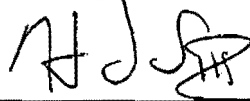
Specifically, the parties propose that Defendants will serve their brief on Plaintiff on November 16, 2011 and submit a courtesy copy to your Honor's chambers, but not file anything on the ECF system until this Court has had the opportunity to review and determine Plaintiff's motion, if any, to file under seal. The parties propose that Plaintiff make any such motion to seal on or before November 30, 2011. Per the terms of the Stipulation and Order for the Production and Exchange of Confidential Information (Docket No. 31), Defendants will not oppose any motion by Plaintiff to seal. After your Honor's ruling on the motion to seal, Defendants will file its brief in accordance with your Honor's ruling.

We thank the Court for its time and efforts in assisting the parties with these issues.

Respectfully Submitted,


Counsel for Plaintiff

Respectfully Submitted,


Counsel for Defendants

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